

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.**

COMPANY PETITION NO.16 OF 2006

Amit Transports Corporation.	...Petitioner.
Vs.	
General Mills India Pvt. Ltd.	...Respondent.

....
Ms.Kalyani Parmar for the Petitioner.
Mr. Ajay Fernandes for the Respondent.
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CORAM :DR.D.Y.CHANDRACHUD, J.
April 11, 2007.

P.C.:

The claim in the Company Petition arises out of outstandings allegedly due for transportation services rendered by the Petitioner to the Company. The Company Petition contains at Exh.A a statement of the bills which were due and outstanding. The Company Petition was instituted on 5th January 2006. Prima facie save and except for bills 3528, 3690, 4092, 2076, 3475 and 4093, the other claims would be barred by limitation. The claim under Bill 2076 has been paid as explained in Exh.1 to the affidavit in reply. Counsel appearing on behalf of the Respondent states that an amount of Rs.40,000/- shall be paid towards the outstanding bills which are within the period of limitation. The aforesaid amount shall be paid within a period of four weeks.

Learned Counsel have no objection. In so far as the rest of the bills are concerned, prima facie, the question whether the claim is barred by limitation would raise a triable issue. The question as to whether the period of limitation is extended as a result of the Ledger entry made at page 60 of the affidavit of rejoinder would warrant adjudication on the basis of evidence, at the trial of a suit. The Petitioner would have to be relegated to the remedy of a Civil Suit for the recovery of the balance of the alleged dues save and except for the amount agreed to be paid in accordance with the statement noted above. The petition is accordingly disposed of.

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